

**REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-7 are pending in this application. Claims 1-3 are independent and are amended. Reconsideration of this application, as amended, is respectfully requested.

**Drawings**

The drawings are amended to correct minor informalities. It is respectfully submitted that the amended drawings fully comply with the requirements of the USPTO. Accordingly, the Examiner is respectfully requested to issue a PTO-Form 948 with the next Official communication indicating that the drawings are acceptable.

**Objection to the Title**

The title is objected to for not being descriptive. The title is amended to provide a clear description of the present invention. Accordingly, it is respectfully requested that the objection to the title be withdrawn.

**Objection to the Specification**

The Abstract of the Disclosure is objected to because it is not a single paragraph and it exceeds 150 words. The Abstract is amended to be placed in proper form. Moreover, the specification is amended to correct minor informalities. It is respectfully requested that the objection to the Abstract of the Disclosure be withdrawn.

**Rejection Under 35 USC §103(a)/ Allowable Subject Matter**

Claim 1 is rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,285,357 to Kushiro et al. in view of U.S. Patent No. 6,597,374 to Baker et al., and further in view of U.S. Patent No. 5,589,893 to Gaughan et al. This rejection is respectfully traversed.

Claims 2-7 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the early indication of allowable subject matter. Claims 2 and 3 are rewritten in independent form including all of the limitations of base claim 1. Accordingly, claims 2 and 3 are allowable over the applied prior art of record.

While not conceding the appropriateness of the rejection, but merely to expedite the prosecution of the instant application, independent claim 1 is

amended to recite a combination of elements in a remote control device with displays which involve switches, including "a display section situated at an upper section of said case, the display section displaying information that is responsive to the rotation of the machine selection wheel switch section, the menu selection wheel section and the function selection ball switch section."

It is respectfully submitted that the combination of elements as set forth in independent claim 1 is not disclosed by or made obvious over the applied art of record, including Kushiro et al., Baker et al. and Gaughan et al.

Kushiro et al. discloses a remote control device including a display unit 1, a function item select switch 2, an affirmation button 3, and a denial button 4, as shown in Figure 1. As admitted on page 3 of the Office Action, Kushiro et al. does not teach or suggest a menu function selection switch section. The Office Action turns to Baker et al. for the teaching of a menu function selection section, which the Office Action equates with the rotating wheel 24 in Baker et al. As further admitted in the Office Action, neither Kushiro et al. nor Baker et al. teaches or suggests a function selection ball switch section.

The Office Action turns to Gaughan et al. for a teaching of a trackball 42 exposed from a front surface. The trackball 42 in Gaughan et al. includes a means for producing X and Y displacement information responsive to a rotational movement of the trackball 42. A switch 44 is mounted beneath the trackball 42

and operates by the depression of the trackball 42. A cursor 56 on a cathode ray tube 22 is illuminated or moved over the viewing screen in response to a movement of the trackball 42 or an activation signal from the switch 44, as shown in Figure 4. However, Gaughan et al. does not include a display on a remote unit which is responsive to a movement of a trackball, as required by the present invention. Accordingly, the combination of Kushiro et al., Baker et al. and Gaughan et al. does not teach or suggest "a display section situated at an upper section of said case, the display section displaying information that is responsive to the rotation of the machine selection wheel switch section, the menu selection wheel section and the function selection ball switch section," as recited in claim 1.

In view of the foregoing, it is respectfully submitted that the applied prior art of record, including Kushiro et al., Baker et al. or Gaughan et al., fails to teach or suggest the combination of elements set forth in independent claim 1. Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §103(a) are respectfully requested. Since the remaining claims depend from allowable independent claims, they are also allowable for at least the above reasons, as well as for the additional limitations provided thereby. With all claim rejections and objections having been addressed, it is respectfully submitted that all pending claims are allowable over the applied prior art of record.

### **CONCLUSION**

Since the remaining patents cited by the Examiner have not been utilized to reject claims, but merely to show the state of the art, no comment need be made with respect thereto.

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

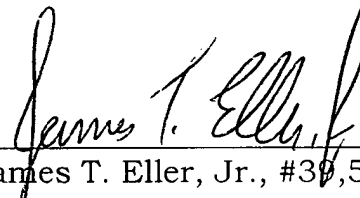
Applicant respectfully petitions under the provisions of 37 C.F.R. 1.136(a) and 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of \$55.00 is attached hereto.

Serial No. 09/931,407  
New Docket No. 4289-0103P  
Old Docket No. 2669-0111P  
Group Art Unit 2675  
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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By   
James T. Eller, Jr., #39,538

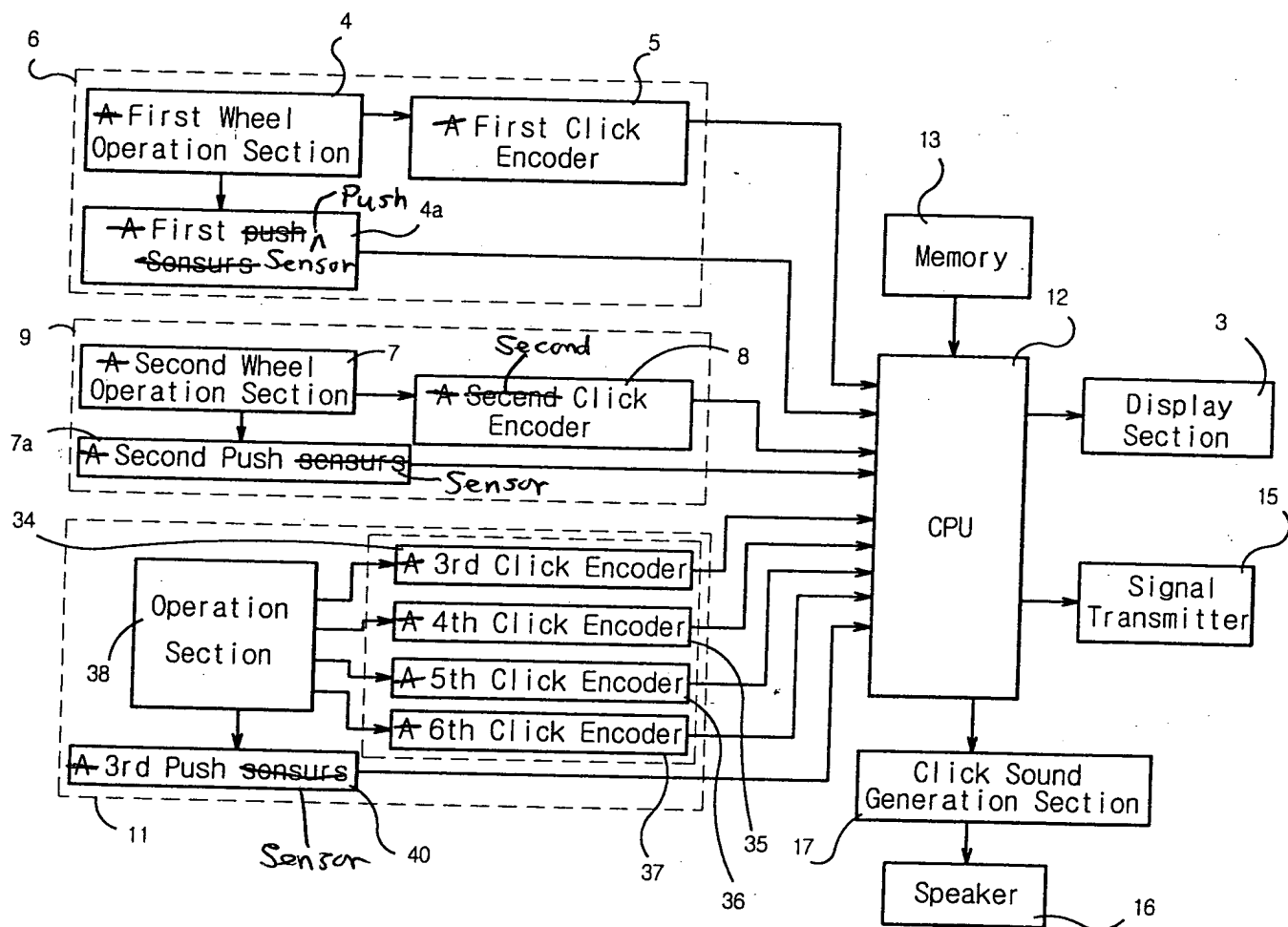
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JTE/SB/jeb:sld  
4289-0103P

P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

Attachments:    Abstract of the Disclosure  
                     Replacement Sheets  
                     Annotated Sheets

# ANNOTATED SHEET

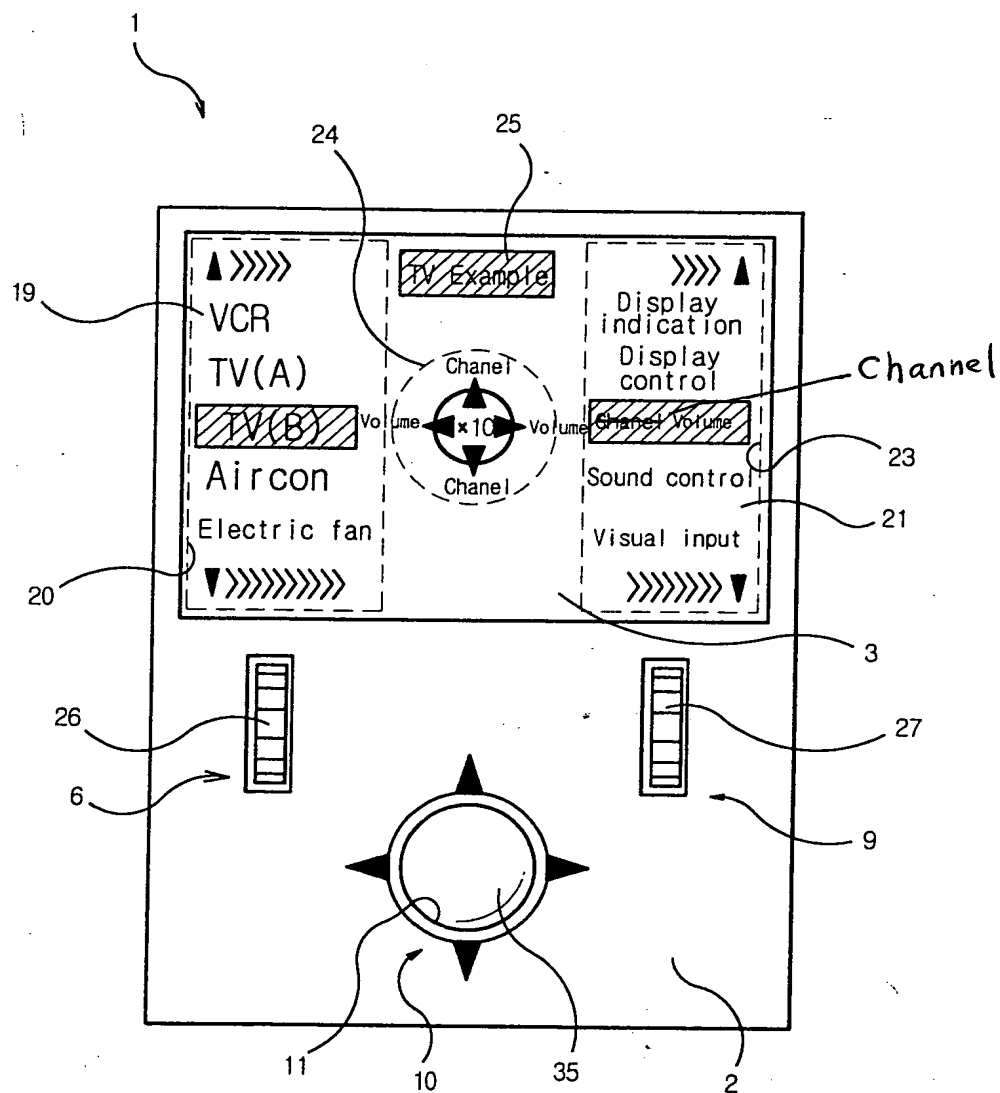
Fig. 1





ANNOTATED SHEET

Fig. 6

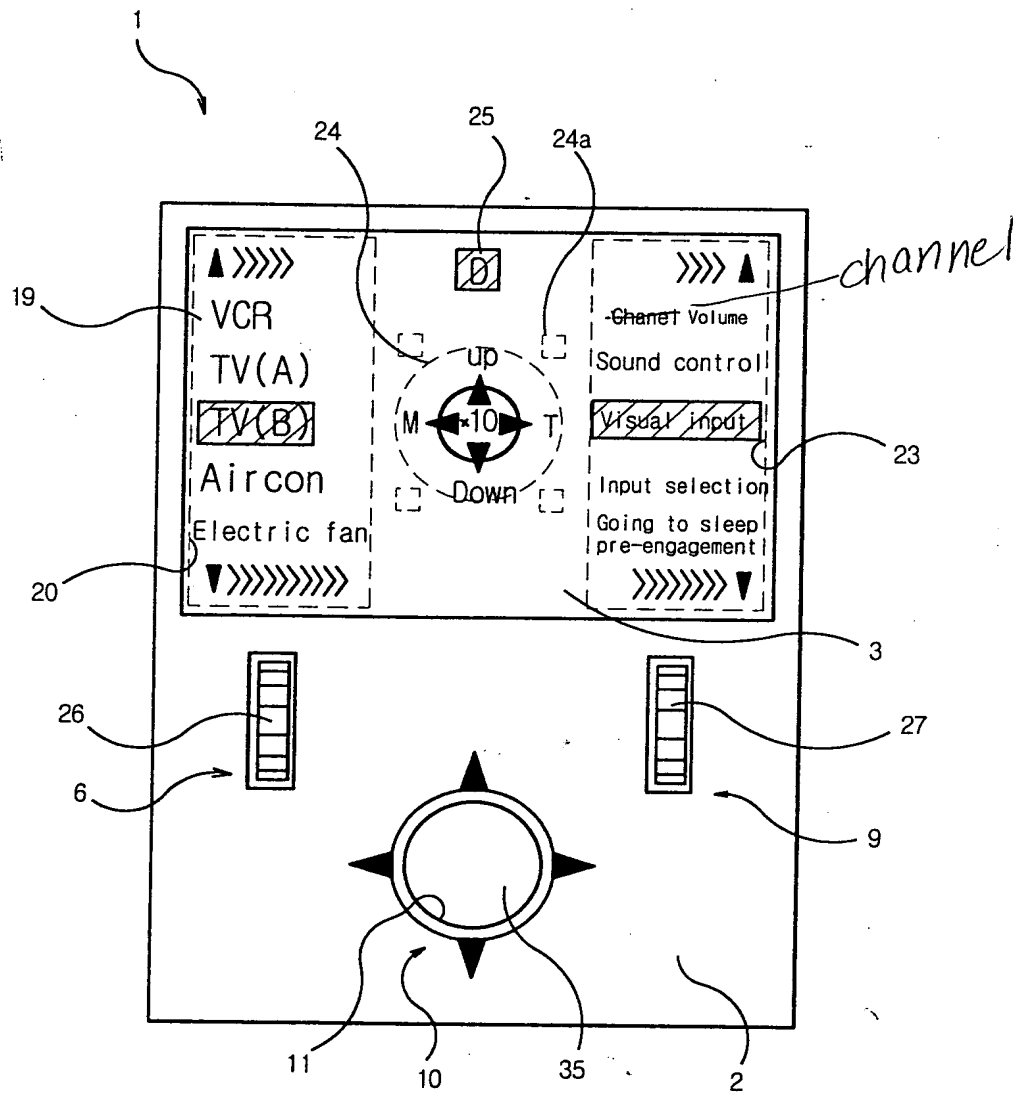






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Fig. 7



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Fig. 8

